

REMARKS

In accordance with the foregoing, claims 1, 5, and 7-13 are amended. No new matter is presented and, accordingly, approval and entry of the foregoing amended claims are respectfully requested. Claims 1-14 are pending and under consideration.

ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because it is believed that the amendment of claims 1, 5, and 7-13 puts this application into condition for allowance and should not entail any further search by the Examiner since no new issues are being raised.

Claims 1, 8, 11 and 13 are amended herein to clarify that respectively a distribution system, a computer program product, and a method, using claim 1 as an example, include "receiving an area identification representing a current geographical position of one of the clients and identification information of contents (emphasis added)." Support for the amendment is found, for example of page 26 of the specification.

Claims 5-7, 9, 10, and 12, are amended herein to delete the "or" condition according to an aspect of the present invention. Claims 8-10 are amended herein to clarify the claims are directed to, using claim 8 as an example, a computer program product incorporated on a computer-readable medium for storing computer readable program code embodied therein, as suggested by the Examiner.

No new matter is presented and, accordingly, approval and entry of the foregoing amended claims are respectfully requested.

ITEM 4: REJECTION OF CLAIMS 8, 9, AND 10 UNDER 35 U.S.C. §101 AS DIRECTED TO NON-STATUTORY SUBJECT MATTER

In item 4 of the Action, the Examiner rejects claims 8, 9, and 10 under 35 U.S.C. §101 as directed to non-statutory subject matter.

Claims 8, 9, and 10 are amended herein as suggested by the Examiner, and withdrawal of the rejection is requested.

ITEMS 6-12: REJECTION OF CLAIMS 1-4, 8, 11, and 13-14 UNDER 35 U.S.C. §102(e) AS ANTICIPATED BY ART LI (U.S.P. 6,799,214)

In items 6-12, the Examiner rejects independent claims 1, 8, 11, and 13 (and respective dependent claims 2-4 and 14) under 35 U.S.C. §102(e) as anticipated by Li. The rejection is traversed.

Independent claims 1, 8, 11, and 13 (all as amended) respectively recite a system, a computer program product, and a method, using claim 1 as an example, including "a receiving unit receiving an area identification representing a current geographical position of one of the clients and identification information of contents . . . (and) selecting one of the child servers that

holds the contents, distribution of which is requested, and which child server is closest to the one of the clients that originates the distribution request, using the received area identification and identification information (emphasis added)."

The Examiner contends that Li teaches using which child server is closest, citing the Abstract.

However, Applicants submit that Li does not teach a selecting of which child server is "closest" to the one of the clients that originates the distribution request based on a "current geographical position."

Rather, Li merely teaches (see, for example, col. 2, lines 42-52)

although end users 92 and mirror sites 22 and 100 may be geographically close, they may be located on completely different networks. Thus, the process of selecting and copying content into a mirror site and informing end user 92 that the desired content can be found in a particular mirror site is not necessarily a simple matter of geography. Content provider original site 96 may determine the closest mirror site using the mapping in cache table 28.

That is, Li merely teaches that what is sent by a client is an IP address, and a position (for example, Japan) is determined using this IP address. However, Applicants submit this does not teach determining a current geographical position.

For example, a current geographical position can not be determined based on an IP address of in a case of a mobile vehicle-mounted information terminal, for example.

Further, in item 12, page 6 the Examiner indicates that:

the Internet is not real. A figment of the public's imagination. A ghost network . . . Unlike the Cable Company, there is no Internet wire on the main street other than the line own by the phone company; no matrix of dedicated cables and links hardwired to computerized devices. The Internet is a Logical Network.

That is, the Examiner, in effect, concedes that Li teaches a virtual "position" within the internet and not a current geographical locality.

Summary

Since features recited by independent claims 1, 8, 11, and 13 (and respective dependent claims 2-4 and 14) are not taught by the cited art, the rejection should be withdrawn and claims 1-4, 8, 11, and 13-14 allowed.

ITEMS 6-12: REJECTION OF CLAIMS 5-7, 9-10, and 12 UNDER 35 U.S.C. §102(e) AS ANTICIPATED BY ART LI

In items 6-12, the Examiner rejects independent claims 5, 9, 10, and 12 (and dependent claims 6-7) under 35 U.S.C. §102(e) as anticipated by Li. The rejection is traversed.

Independent claims 5, 9, 10, and 12 (all as amended herein) respectively recite a

system, a computer program product, and a method, using claim 5 as an example, including a parent server "ascertaining a frequency of distribution requests for contents from one of the clients situated in an area for which the one of the child servers is responsible; and each child server . . . acquiring and copying from the parent server the contents that are not held by the one of the child servers on a basis of the frequency of distribution requests."

Applicants submit that Li does not teach such an acquiring and copying based on the frequency of distribution requests. Rather, Li merely teaches that (see, col. 12, starting at line 40):

if a web page includes three embedded objects, it may be advantageous to store each object in a different mirror site. Such a scheme may allow the user to fetch each image in parallel and improve access time. In addition, storing objects in different mirror sites may be advantageous to achieve load balancing and avoid excessive traffic at any one mirror site.

In rejecting claims 5, 9, 10 and 12, the Examiner contends, using the rejection of claim 10 for example, the claims recite "an "or" condition and copying was covered in Li's Abstract, that is, if the requested content is not mirrored it is so mirrored (copied)." (See, Action at page 5).

Applicants point out to the Examiner that as amended herein claims 5, 9, 10 and 12 no longer recite such an "or" condition.

Summary

Since features recited by independent claims 5, 9, 10, and 12 (and dependent claims 6-7) are not taught by the cited art, the rejection should be withdrawn and claims 5-7, 9, 10, and 12 allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: February 28, 2006

By: Paul W. Bobowiec
Paul W. Bobowiec
Registration No. 47,731

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501